

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

James H. Hodson, III,	:	
Petitioner	:	
	:	
	:	
V.	:	C.A. No. 05-92 Erie
	:	
	:	
Marilyn Brooks,	:	
Respondent	:	

MOTION FOR DISCOVERY

AND NOW, this 14th Day of February, 2006, comes the Petitioner, James H. Hodson, III, Pro Se, and respectfully requests that this Honorable Court Order Discovery in this case Pursuant to Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts. The reasons for this request are as follows:

1. The District Attorney of Crawford County has failed to produce all state court records as previously required by this Honorable Court's Rule and Order dated May 23, 2005, and, further, by this Honorable Court's Rule and Order dated November 14, 2005.
2. The Petitioner makes argument in this case that his Direct Appellate Counsel failed to adequately raise and argue Petitioner's Fifth Amendment Constitutional violations on Direct Appeal.
3. To support this claim, Petitioner uses the opinion of the Court in Williams v. Taylor, 529 U.S. 420, 120 S. Ct. 1479, which states, in part, that "a prisoner must be diligent in trying to develop the record and presenting, if possible, all claims of constitutional error."
4. The Petitioner goes on record during his sentencing phase of July 26, 2000, explaining his dissatisfaction of his Trial Attorney's performance by failing to suppress his incriminating statement made to police, in that, he was never read his Miranda Warnings.
5. The Petitioner's Direct Appellate Counsel failed to utilize this information to support the Petitioner's argument on Direct Appeal.

FILED

06 FEB 17 AM 10:36

U.S. DISTRICT COURT
CLEVELAND

WHEREFORE, Petitioner respectfully requests that this Honorable Court Order the District Attorney of Crawford County to furnish this Honorable Court with all state court records, as previously ordered, with respect to Petitioner's transcribed Sentencing Hearing.

Respectfully Submitted,

A handwritten signature in cursive script, reading "James H. Hodson, III". The signature is written in dark ink and is positioned above the printed name.

James H. Hodson, III
Pro Se

C.c. File. District Attorney of Crawford County